

DAVID S. STEUER, State Bar No. 127059
 ANTHONY J WEIBELL, State Bar No. 238850
 SARA L. TOLBERT, Cal. Bar No. 300945
 CURTIS S. KOWALK, State Bar No. 324770
 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation
 650 Page Mill Road
 Palo Alto, CA 94304-1050
 Telephone: (650) 493-9300
 Facsimile: (650) 565-5100
 Email: aweibell@wsgr.com; dsteuer@wsgr.com;
 stolbert@wsgr.com; ckowalk@wsgr.com

VICTOR JIH, State Bar No. 186515
 RYAN S. BENYAMIN, State Bar No. 322594
 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation
 633 West Fifth Street, Suite 1550
 Los Angeles, CA 90071-2027
 Telephone: (323) 210-2900
 Facsimile: (866) 974-7329
 Email: vjih@wsgr.com; rbenyamin@wsgr.com

Attorneys for all Defendants

[counsel for plaintiffs listed on signature page]

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

IN RE TIKTOK, INC. PRIVACY
 LITIGATION

CASE NO.: 5:19-cv-07792-LHK
**STIPULATED REQUEST AND
 [PROPOSED] ORDER TO
 CONSOLIDATE CASES**

Judge: Hon. Lucy H. Koh

MISTY HONG,

 Plaintiff,

 v.
 BYTEDANCE, INC., et al.,

 Defendants.

CASE NO.: 5:19-cv-07792-LHK

P. S., et al.,

Plaintiffs,

v.

TIKTOK, INC., et al.,

Defendants.

CASE NO. 20-CV-02992

D.M., et al.,

Plaintiffs,

v.

TIKTOK, INC., et al.,

Defendants.

CASE NO. 20-CV-03185

R. S., et al.,

Plaintiffs,

v.

TIKTOK, INC., et al.,

Defendants.

CASE NO. 20-CV-03212

S.A., et al.,

Plaintiffs,

v.

TIKTOK, INC., et al.,

Defendants.

CASE NO. 20-CV-03294

Pursuant to Fed. R. Civ. P. 42(a), all parties (“the Parties”) to the above-captioned civil actions, through their undersigned counsel, hereby stipulate to the consolidation of these and other related actions as follows:

WHEREAS, there are presently at least thirteen factually-related consumer privacy class actions against defendant TikTok, Inc. and some of its corporate affiliates (collectively “Defendants”) pending in at least four different federal jurisdictions, including the first-filed action, which is pending before this Court (No. 5:19-cv-07792-LHK);

1 WHEREAS, Plaintiffs in the first-filed action filed an administrative motion to relate the
 2 second-filed case on May 12, 2020 [ECF No. 38], which the Court granted in an order issued on
 3 May 19, 2020 [ECF No. 43] (“Consolidation Order”), relating and consolidating the following
 4 cases as *In re TikTok, Inc. Privacy Litigation*, No. 19-CV-07792-LHK:

- 5 • *Hong, et al. v. ByteDance, Inc., et al.*, Case No. 19-CV-07792,
- 6 • *P. S., et al. v. TikTok, Inc., et al.*, Case No. 20-CV-02992,
- 7 • *D.M., et al. v. TikTok, Inc., et al.*, Case No. 20-CV-03185;

8 WHEREAS, on May 15, 2020, one of the plaintiffs in a later-filed related case pending in
 9 a different jurisdiction filed a motion to centralize all of these related cases with the United
 10 States Judicial Panel on Multidistrict Litigation under 28 U.S.C. § 1407, with responses to the
 11 motion due June 9, 2020, *see* MDL No. 2948;

12 WHEREAS, in this District, *R.S. v. Tiktok, Inc.*, No. 20-CV-03212, is now the subject of
 13 an administrative motion to relate cases [ECF No. 44], and counsel in all cases believe that *S.A.*
 14 *v. TikTok, Inc.*, No. 20-CV-03294 also meets the criteria for relation and consolidation (all,
 15 collectively with the previously consolidated actions, the “N.D. Cal. Related Actions”);

16 WHEREAS, on May 19, 2020, the Consolidation Order set Tuesday, June 30, 2020 as the
 17 deadline to file motions for appointment as interim lead plaintiffs’ counsel (“Lead Counsel”),
 18 limiting the motions to 10 pages, setting the deadline to file oppositions not to exceed 3 pages as
 19 Monday, July 6, 2020, setting the deadline to file any replies not to exceed 2 pages as Friday,
 20 July 10, 2020, and setting the hearing on these motions for July 23, 2020, at 1:30 p.m. (*see* ECF
 21 No. 43);

22 WHEREAS, the Parties anticipate that some or all of the related cases not currently
 23 pending in this District and future “tag-along” actions may be transferred to this District by
 24 stipulation or order;

25 WHEREAS, the N.D. Cal. Related Actions each allege the collection by Defendants of
 26 biometric identifiers from users of the TikTok mobile app without required disclosures and
 27 consent and are thus “related cases” within the meaning of Civil L.R. 3-12 because they concern
 28 substantially the same parties, property, transaction or event; and it appears likely that there will

1 be an unduly burdensome duplication of labor and expense or conflicting results if the cases are
2 conducted before different Judges;

3 WHEREAS, consolidation under Fed. R. Civ. P. 42(a) of the remainder of the N.D. Cal.
4 Related Actions and any future related cases will eliminate duplicative discovery, prevent
5 inconsistent rulings, including with respect to class certification, and conserve the resources of
6 the parties, their counsel, and the judiciary;

7 WHEREAS, a schedule is needed for the filing of an amended consolidated complaint
8 and Defendants' response thereto.

9 THEREFORE, IT IS STIPULATED AND AGREED by the Parties, through their
10 respective counsel of record, subject to approval by the Court, as follows:

11 **A. CONSOLIDATION OF ACTIONS**

12 1. The N.D. Cal. Related Actions listed above currently pending in this District that
13 are not already assigned to this Court are hereby reassigned to this Court and consolidated into
14 Civil Action No. 5:19-cv-07792-LHK for all purposes, including pretrial proceedings, trial and
15 appeal.

16 2. Each document filed by a party to this litigation shall bear the following caption:
17 *In re TikTok, Inc. Privacy Litigation*, Case No. 19-CV-07792-LHK. All filings must only be
18 made in the consolidated case.

19 3. All other Related Actions or "related cases" within the meaning of Civil L.R. 3-12
20 that are now pending, subsequently filed in, or transferred to, this District shall be consolidated
21 into this action for all purposes except as provided herein. When a case which properly belongs
22 as part of the *In re TikTok, Inc. Privacy Litigation* is filed in this Court or transferred to this
23 Court from another court, and only after counsel call to the attention of the Court and the Clerk
24 the filing or transfer of any such case that might be properly consolidated with this Consolidated
25 Action, the clerk of this Court shall make an appropriate entry in the consolidated docket.
26 Counsel for Defendants shall promptly serve a copy of this Order on counsel for plaintiffs in
27 each subsequently filed or transferred related action. Promptly thereafter, upon notice to counsel
28 for the parties in each such action, counsel for Defendants shall submit to the Court a proposed

1 order consolidating any such action with *In re TikTok, Inc. Privacy Litigation*, Case No. 19-CV-
2 07792-LHK. Unless a party in such newly-filed or transferred action objects to consolidation
3 within ten (10) days after the date upon which a copy of this Order is served on counsel for such
4 party by filing an application for relief and this Court deems it appropriate to grant such
5 application, each new case that arises out of the subject matter of this action which is filed in this
6 Court or transferred to this Court, shall be consolidated with this action and this Order shall
7 apply thereto.

8 4. This Order is entered without prejudice to the rights of any party to apply for
9 severance of any claim or action, for good cause shown.

10 **B. CONSOLIDATED COMPLAINT AND RESPONSE THERETO**

11 5. Within 21 days after the Court has appointed Lead Counsel, Lead Counsel shall
12 file and serve a single Consolidated Amended Complaint that will supersede all existing
13 complaints filed in the consolidated actions and any action subsequently consolidated with this
14 action.

15 6. Defendants need only respond to the Consolidated Amended Complaint and any
16 amendments thereto and need not respond to any other complaint filed in any action consolidated
17 by this Order. Defendants' response to the Consolidated Amended Complaint, including any
18 motions to compel arbitration, shall be filed within 28 days after the filing of the Consolidated
19 Amended Complaint.

20 7. Any opposition to a motion filed in response to the Consolidated Amended
21 Complaint shall be filed within 35 days after the filing of the motion. And any reply thereto shall
22 be filed within 21 days thereafter.

23
24 IT IS SO STIPULATED.

25 Dated: May 21, 2020
26
27
28

1 WILSON SONSINI GOODRICH & ROSATI
2 Professional Corporation

3 By: /s/ Anthony Weibell

4 Attorneys for Defendants
5 TIKTOK, INC., BYTEDANCE, INC., BEIJING
6 BYTEDANCE TECHNOLOGY CO. LTD, AND
7 MUSICAL.LY

8 **CASE NO. 5:19-cv-07792-LHK**
9 **(Hong v. Bytedance, Inc., et al.)**

10 BIRD, MARELLA, BOXER, WOLPERT, NESSIM,
11 DROOKS, LICENBERG & RHOW, P.C.

12 By: /s/ Ekwan E. Rhow

13 GLANCY PRONGAY & MURRAY LLP

14 By: /s/ Kara M. Wolke

15 Attorneys for Plaintiffs Misty Hong, minor A.S., through her
16 mother and legal guardian Laurel Slothower, and minor A.R.,
17 through her mother and legal guardian Gilda Avila

18 PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP

19 By: /s/ David M. Given

20 Attorneys for Plaintiffs Meghan Smith, minors C.W. and
21 I.W., through their mother and legal guardian Mikhaila
22 Woodall, and minor R.P., through her mother and legal
23 guardian Lynn Pavalon

24 **CASE NO. 20-CV-02992**
25 **(P.S., et al. v. TikTok, Inc., et al.)**

26 By: /s/ Megan E. Jones

27 Attorneys for Plaintiffs (1) P.S., a minor, by and through her
28 Guardian, Cherise Slate, and (2) M.T.W., a minor, by and
through her Guardian, Brenda Washington

CASE NO. 20-CV-03185
(D.M., et al. v. TikTok, Inc., et al.)

By: /s/ Adam E. Polk

Attorneys for Plaintiffs (1) D.M and (2) A.M., minors, by and
through their guardian Porchia Heidelberg, (3) A.O, a minor,
by and through his guardian Jasmin Beverley, and (4) M.P., a
minor, by and through her guardian Requeenis Gilder

CASE NO. 20-CV-03212
(R.S., et al. v. TikTok, Inc., et al.)

By: /s/ Lesley E. Weaver

Attorneys for Plaintiffs (1) R.S. and (2) J.S., through their guardian

CASE NO. 20-CV-03294
(S.A., et al. v. TikTok, Inc., et al.)

By: /s/ Theodore W. Maya

Attorneys for Plaintiffs S.A., a minor, by and through his mother and guardian, Maritza A.

[PROPOSED] ORDER

Pursuant to the foregoing stipulation, **IT IS SO ORDERED.**

Dated: _____

Honorable Lucy H. Koh
United States District Court Judge

ECF ATTESTATION

I, Anthony J Weibell, am the ECF User whose identification and password are being used to file this document and attest that all signatories hereto have concurred in this filing.

Dated: May 21, 2020

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Anthony Weibell